

REMARKS

Claims 1-10, 13-16, and 18-20 are all the claims pending in the application. Previously claims 11, 12, and 17, were canceled without prejudice or disclaimer. New claim 20 has been added to further define an aspect of the present invention. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 103

- The Examiner rejected claims 15 and 16 under §103(a) as being unpatentable over US Patent 6,204,996 to MacLeod (hereinafter MacLeod) in view of US Patent 5,882,121 to Saigusa (hereinafter Saigusa). Applicant respectfully traverses this rejection for the following reasons.

The Examiner asserts that it would have been obvious for one of ordinary skill in the art to attach the heat-sensitive sealing member of Saigusa to the axial direction end surface of the outer ring of the bearing of MacLeod. However, MacLeod is directed to a low profile spindle motor, which heats up during operation. If MacLeod's seal 66 was attached with an adhesive whose bonding force lowers when heated, when the seal 66 in MacLeod is heated up during operation of the spindle motor, the seal would be in danger of coming off thereby making the bearing of MacLeod no longer operable. Thus, one of ordinary skill in the art—looking at the teachings of the references as a whole—would not have been motivated to modify MacLeod as suggested by the Examiner because MacLeod teaches away from the Examiner's suggested modification.

Further, claim 15 sets forth that the adhesive has a bonding force which is lowerable when the adhesive is heated. The Examiner asserts that it "is inherent that ... the adhesive joint is detached when subject to certain level of heat depending upon the nature of type of adhesive employed."¹ The Examiner is simply wrong. That is, not all adhesives have their strength lowered when heated. Instead, as in the case of thermosetting resin based adhesives, some

¹ Office Action at page 3, 3rd full paragraph.

adhesives increase bonding strength when heated. Accordingly, the Examiner's rationale for rejecting claim 15 is mistaken.

For at least any of the above reasons, MacLeod and Saigusa fail to render obvious Applicant's claims 15 and 16.

- The Examiner rejected claims 16 under §103(a) as being unpatentable over MacLeod in view of Saigusa and further in view of US Patent 5,596,235 to Yazaki et al. (hereinafter Yazaki). Applicant respectfully traverses this rejection for the following reasons.

As noted above, the Examiner's attempted combination of MacLeod and Saigusa is deficient. The Examiner cites Yazaki as teaching the use of ultraviolet ray irradiation on an adhesive for curing or for detaching. However, Yazaki fails to teach or suggest anything that would cure the above-noted deficiencies in the Examiner's attempted combination of MacLeod and Saigusa. Accordingly, one of ordinary skill in the art—looking at the teachings of the references as a whole—would not have been motivated to combine MacLeod, Saigusa, and Yazaki as suggested by the Examiner.

For at least any of the above reasons, MacLeod, Saigusa and Yazaki fail to render obvious Applicant's claim 16.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 1-10, 13, 14, 18, and 19, are allowed.

Conclusion

New claim 20 has been added to further define an aspect of the present invention. Claim 20 depends from claim 15 and, therefore, should be allowable at least for reasons similar to those set forth above with respect to claim 15.


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 09/774,576

Atty Dkt No. Q62956

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jeffrey A. Schmidt
Registration No. 41,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 22, 2004